

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

January 3, 2008



PV 08-02 Lone Oak Acres

CASE DESCRIPTION: variance from the required 200-foot lot depth required for all lots platted within the C-3 zoning districts.

LOCATION: southeast corner, Clarks Lane and Tabor Road

LEGAL DESCRIPTION: proposed Lots 3R and 4R in Block 1R of the Lone Oak Acres Subdivision, Bryan, Brazos County, Texas

EXISTING LAND USE: residential

APPLICANT(S): George McDonald

STAFF CONTACT: Randy Haynes, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the variance, as requested.

BACKGROUND:

The applicant is requesting a variance from the required 200-foot lot depth required for all lots platted within C-3 zoning districts. The two subject lots are proposed to be subdivided from the previously platted tract of land. Neither lot meets the required 200-foot lot depth requirement.

As proposed, Lot 4R will be 177 feet deep and require a 23-foot variance from the standard and Lot 3R will be 156 feet deep and will require a 44-foot variance from the 200 foot standard. Please note that Lot 3R is proposed to be 311-feet wide; this is over three times the required 100 foot width.

Smaller remnants of land such as the subject site require special consideration to allow development to occur. The only alternative to platting this tract of land without the requested variance would be for the owner to modify an existing ownership boundary.

The applicant, Mr. McDonald wishes to sell 6.5 acres of his family's 8.15 acre tract. In order to complete the transaction, the property must be re-platted. The remaining property must also be described within this replat. Although both proposed lots meet the minimum area requirements, neither specifically meets the depth requirement.

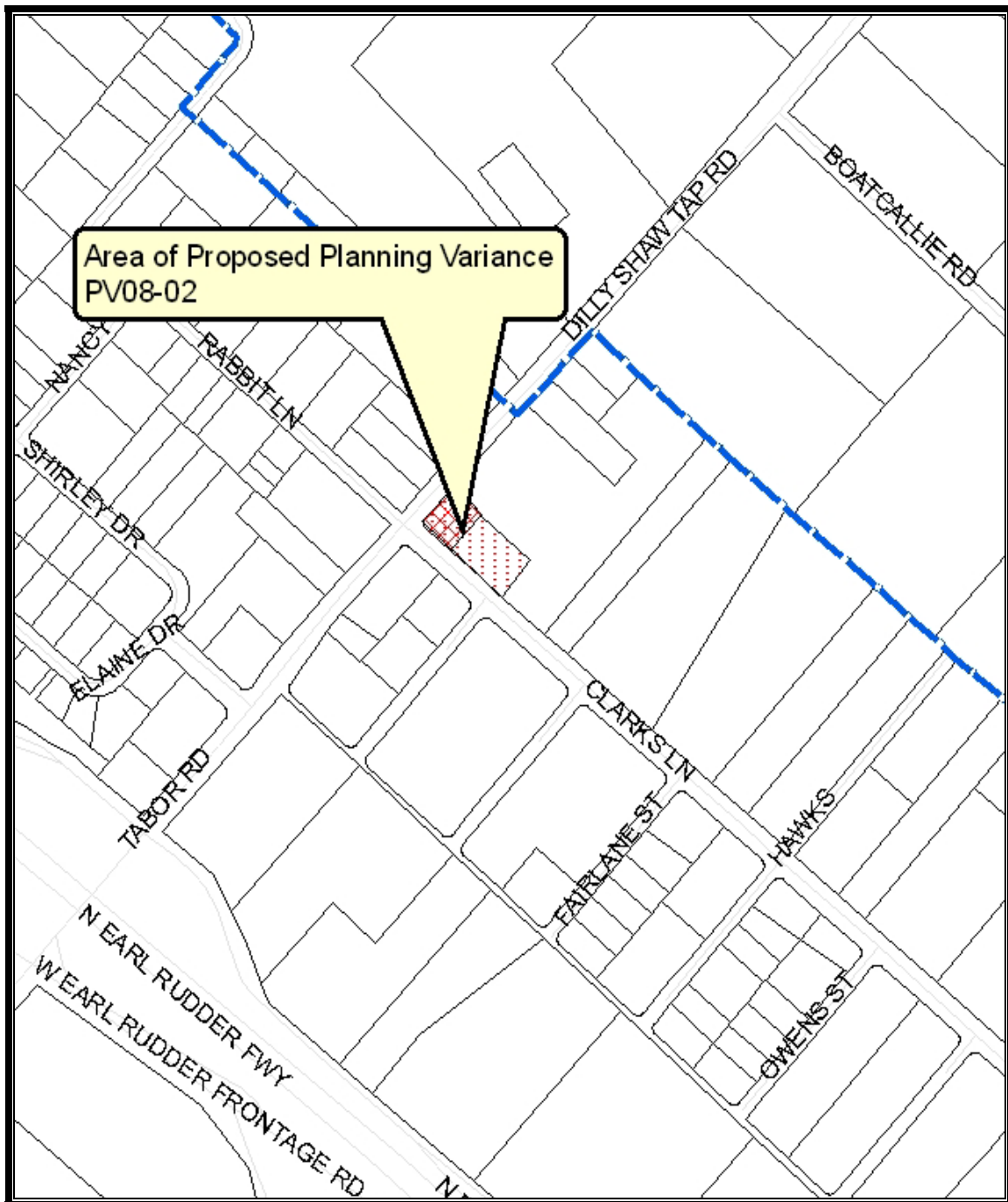
COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this variance request:

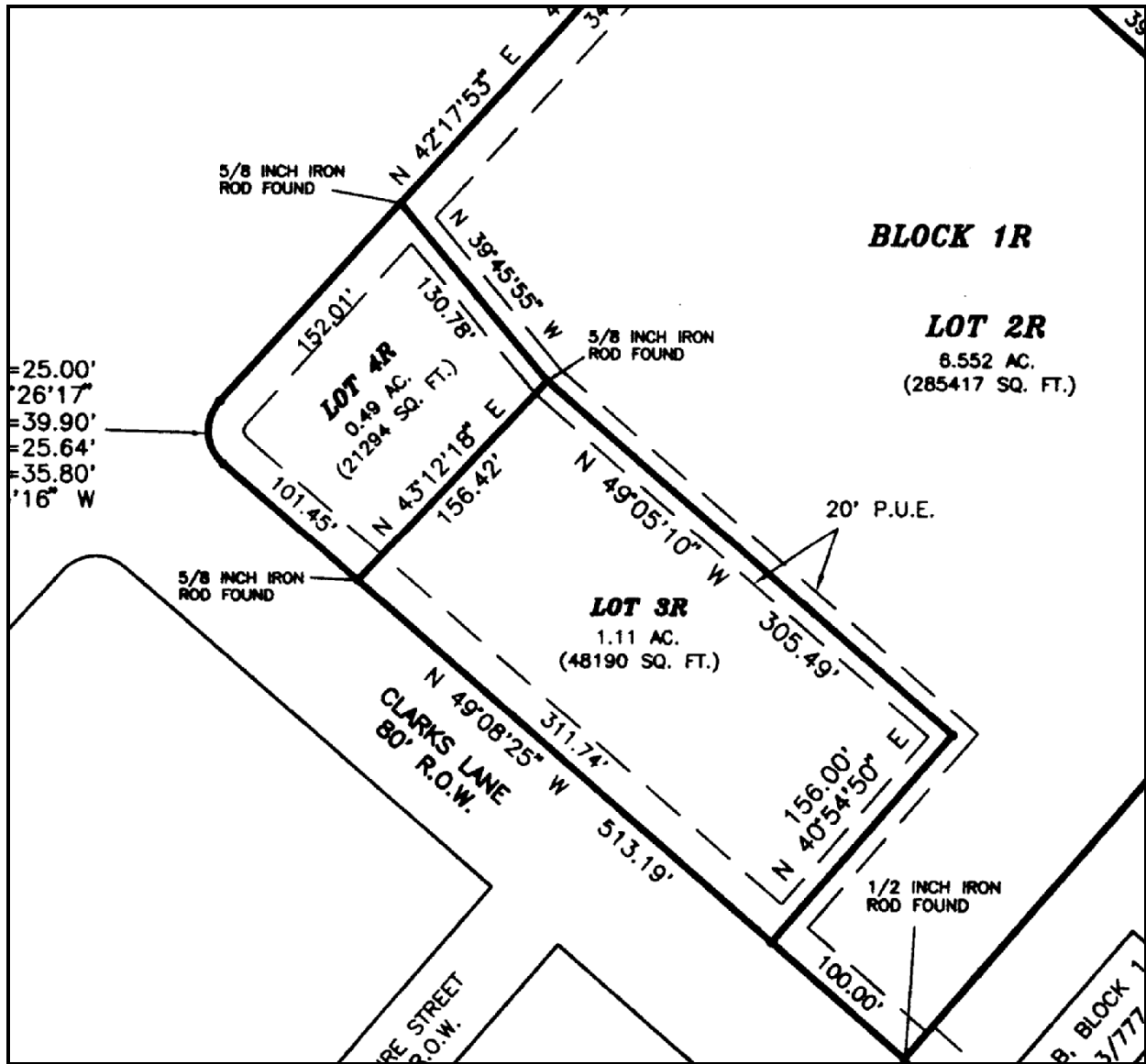
Redevelopment and Infill Policies;

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.
- The City will encourage flexibility when drafting regulations geared toward infill and redevelopment.

Area Map



PROPOSED LOT LAYOUT



ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum lot depth standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

Staff contends that a special circumstance affects this land and because of that circumstance, a variance to lot depth is appropriate. Mr. McDonald wishes to sell a portion (6.5 acres) of his family's 8.15 acre tract. In order to complete the transaction, the property

must be re-platted. The two remaining lots must be described within this replat. Although both lots meet the requirement of area, neither meet the depth requirement.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

Staff believes that creation of these lots of substandard depth will still allow for reasonable development. Approving the requested variance will allow the creation of two new lots which will be larger in size than the minimum required 20,000 square feet (one at 21,294 square feet and one at 48,190 square feet). If the requested lot configuration were to be denied, the owners would be prevented from completing a transaction to sell part of their property.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff contends that granting the requested variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

In fact, staff believes that allowing the creation these two commercial lots will provide a needed buffer to the industrial uses permitted adjacent to this location.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff contends that approving this variance will not prevent the orderly development of land in this vicinity. Staff believes that if the variance were granted the spirit of the ordinance will be observed.

RECOMMENDATION:

Staff recommends **approving** the variance, as requested.